

Serial No. 10/735,561
Attorney Docket No. PC25627A

REMARKS

I. Status of the Application

This paper responds to a Restriction and an Election of Species Requirement. The Application was filed with 16 claims. This paper does not amend the claims. Accordingly, claims 1-16 are under consideration in this application.

II. Reply is Within Shortened Statutory Period

This paper responds to an election requirement, which was mailed on March 2, 2006. The Office Action set a shortened statutory period for reply of one-month from the mailing date, making the response due on or before Sunday, April 2, 2006. Since Applicant is filing this paper on April 3, 2006, which is the first Monday following the Sunday due date, the response is considered to have been filed within the shortened statutory period for reply. 37 CFR § 1.7(a).

III. Election of Species Requirement and Traversal

Applicant has provisionally elected, with traverse, Group I, which is drawn to methods of treating fibromyalgia. Applicant has also provisionally elected, with traverse, a compound of Formula 1 in which R, R¹, R², R⁴, and R⁶-R⁸ are each hydrogen, and R³ and R⁵ are each alkyl groups having from 1 to 6 carbon atoms, such as (3S,4S)-(1-aminomethyl-3,4-dimethyl-cyclopentyl)-acetic acid. At least claims 1, 2, 7-9 and 10-12 read on the elected group and species.

Applicant respectfully submits that the restriction requirement is unwarranted because the search of the method of treating fibromyalgia (Group I) would also include a search of the method of increasing slow-wave sleep since, according to the restriction requirement, both uses are classified in class 514, subclasses 529, 530, and 561. Similarly, Applicant submits that a search of the provisionally elected species would also include a search of compounds of Formula 1. Applicant therefore submits that the search would not pose any additional burden on the Patent Office and examination of the entire application is proper.

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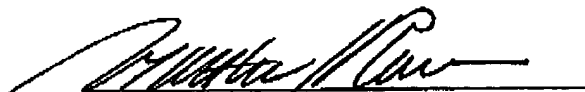
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IV. Conclusion

Applicant believes that no fees are due. However, if any fees are due in connection with the filing of this paper, please charge them to deposit account number 23-0455.

Respectfully submitted,

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